

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PEARSON & SON EXCAVATING,  
CO., INC., a Michigan corporation,

Plaintiff,

v.

WESTERN RECREATIONAL VEHICLES,  
INC., a Washington corporation, and  
MICHAL ENTERPRISES, d/b/a WALT  
MICHAL'S R.V. CENTER, a Michigan  
corporation, Jointly and Severally,

Defendants.

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CIVIL ACTION NO. 03 CV 40246 FL

DISTRICT JUDGE PAUL V. GADOLA

MAGISTRATE JUDGE VIRGINIA MORGAN

**ORDER DENYING PLAINTIFF'S MOTION**  
**TO COMPEL PRODUCTION OF DOCUMENTS**

This matter is before the court on Plaintiff's Motion to Compel Production of Documents filed March 15, 2007 (D/E 118). A hearing on the motion was held before the magistrate judge on April 18, 2007. For the reasons stated on the record,

IT IS ORDERED that the Motion IS DENIED.

Plaintiff seeks documents relating to the defendant's express warranties, cost schedule, and other related information. The sole remaining issue in this case is only for breach of an implied warranty of fitnesses and merchantability. Thus, documents related to express warranty

issues are irrelevant and would not be likely to lead to the discovery of admissible evidence.

Therefore, the motion IS DENIED.

No costs to either side.

So ordered.

s/Virginia M. Morgan  
Virginia M. Morgan  
United States Magistrate Judge

Dated: April 20, 2007

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**PROOF OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record via the Court's ECF System and/or U. S. Mail on April 20, 2007.

s/Jane Johnson  
Case Manager to  
Magistrate Judge Virginia M. Morgan